

REMARKS

Claims 16-25 are currently pending in the application, as amended. Claim 16 has been amended to point out that the movable gate is pivotable about a hub on a swivel axis that is generally parallel to a feed axis of the feed tube. Support for this amendment to claim 16 can be found in specification paragraphs 46, 49, 50, 58 and 59 and Figs. 2 and 6. Claims 17 and 23 have been amended to be consistent with the amendments to claim 16. Accordingly, no new matter has been added to the application as a result of the above-described amendments to claims 16, 17 and 23.

IN-PERSON INTERVIEW

The above-described amendments were made as a result of an in-person interview with Examiner, Jason Y. Pahng and Supervisory Patent Examiner Derris H. Banks, on May 16, 2006. As a result of the interview, the Examiners indicated that amended claim 16 overcomes the below-described rejections of the final Office Action. Below is a summary of the rejections presented in the final Office Action and the manner in which they have been addressed. The Undersigned and the Applicants would like to thank the Examiners for the courtesies extended during the interview.

CLAIM REJECTIONS

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected claims 16 and 23-25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,397,427 (Howard). The Examiner argues that Howard discloses each and every element of claims 16 and 23-25. Applicants respectfully traverse this rejection.

Referring to Figs. 1-4, Howard is directed to a feeding device 10 for a food processor including a holder 28 and a food pusher 30 that are associated with a feed tube 14 of the food processor. The feeding device 10 is utilized to manipulate food items within the feed tube 14. The holder 28 includes a guide plate 34 with an opening at one side, a food holding member 32 that extends generally perpendicularly from the guide plate 34 into the feed tube 14 in a mounted position and a pair of handles 50 for manually manipulating the holder 28. The food holding member 32 is placed onto an open mouth of the feed tube 14 in the mounted position. Food is

introduced into the feed tube 14 through the opening in the guide plate 34 and the guide plate 34 is urged toward the food such that the food is held between the food holding member 32 and an inner surface 44 of the feed tube 14. The food holding member 32 is smaller than the cavity of the feed tube 14 resulting in the ability of the food holding member 32 to move in various directions and paths within the cavity. The feed cavity in the feed tube 14 has a generally rectangular shape with semi-circular ends and the width of the food holding member 32 is positioned in the feed cavity such that its vertical ends are positioned proximate inner sides of the feed tube 14 to generally prevent foodstuff from moving around the edges of the food holding member 32 when the food is being consolidated in a specific portion of the feed cavity. The holder 28 is used to urge the food toward a rotating blade 18.

Amended claim 16 is directed to a lid for a bowl of a food processor and recites, *inter alia*:

a top lid wall;
a feed tube extending from the top lid wall along a feed axis, the feed tube including a continuous inner feed surface that defines a feed cavity; and
a moveable gate positioned within the feed cavity, the moveable gate being pivotable about a hub on a swivel axis.

Applicants respectfully submit that Howard does not teach, suggest or disclose each and every element of amended claim 16. Specifically, Howard teaches the holder 28 that is placed on the mouth of the feed tube 14 such that the food holding member 32 extends into the feed tube cavity in the mounted position. The food holding member generally moves in a linear direction, as is shown by the arrows in Figs. 1 and 2. The food holding member of Howard is not pivotable within the feed cavity about a hub on a swivel axis, as is claimed in amended claim 16 of the present application. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 16 based upon anticipation by Howard.

Claims 23-25 are dependent upon amended claim 16. Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claims 23-25 based at least upon their dependence upon claim 16.

Claim 23 also recites, *inter alia*, a food pusher being generally cylindrically-shaped. Howard includes a generally flat or boxy-shaped food pusher that is insertable into the feed cavity. Howard's food pusher is generally flat along its shaft to provide maneuverability for manipulation of relatively small foods within the feed cavity, such as onion stalks, strawberries and other like foods. Accordingly, in our opinion, Howard does not teach, suggest or disclose a

generally cylindrically-shaped food pusher, as is claimed in claim 23. Therefore, Applicants also respectfully request that the Examiner also reconsider and withdraw any rejection of claim 23 based upon anticipation by Howard because Howard does not teach, suggest or disclose a cylindrically-shaped food pusher.

Claim 25 is dependent upon claim 24, which is dependent upon amended claim 16 and recites, *inter alia*, a food pusher removably positionable in the feed cavity, the food pusher substantially filling the sub-feed cavity when the movable gate is in the compacting position and the food pusher is in a storage position. Howard does not teach, suggest or disclose a food pusher that substantially fills a sub-feed cavity when the movable gate is in the compacting position and the food pusher is in a storage position. Specifically, Howard includes the generally flat or boxy-shaped food pusher that does not substantially fill a sub-feed cavity when the food pusher is in a storage position and the movable gate is in a compacting position due to the arcuate-shape of the walls of the feed tube of Howard and the food holding member. Therefore, Applicants further respectfully request that the Examiner reconsider and withdraw any rejection of claim 25 based upon anticipation by Howard for the above-described reason.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 16 and 20-22 as being unpatentable over U.S. Patent No. 2,128,792 (Berarducci) in view of U.S. Patent No. 2,001,075 (Sundstrand). The Examiner argues that Berarducci discloses each and every element of currently pending claim 16 except for a feed tube that extends from a top lid wall of a food processor. The Examiner further argues that Sundstrand discloses a nut processor with a feed tube extending from a top lid wall and it would have been obvious to one having ordinary skill in the art to provide the device of Berarducci with a feed tube extending from a top lid wall in order to engage a jar, as taught by Sundstrand.

Referring to Figs. 1-3, Berarducci is directed to a cheese grater including a housing 3 that supports a cheese grating drum 8, a short hopper 14 and a feeder 17 that is pivotable about an axis that is perpendicular to a feed axis of the hopper 14. The hopper 14 receives cheese therein for grating on the grating drum 8. The feeder 17 is pivotable relative to the hopper 14 from an open position (not shown) outside of the hopper 14 to a closed position (Fig. 3) proximate an outer surface of the cheese grating drum 8 to urge food in the hopper 14 onto the drum 8 for grating.

Referring to Figs. 1-4, Sundstrand is directed to a nut chopper that is adapted for removable mounting to a jar 5. The nut chopper includes a screw on cap 8 with a top wall and a hopper 7 that extends generally perpendicularly from the top wall. A plate 17 is mounted across the hopper 7 proximate a bottom of the hopper 7 and includes grate bars 18 therein through which breaker prongs 19 of a rotary blade 20 extend. When nuts are inserted into the hopper 17, the rotary blade 20 is rotated using a hand crank 9 and the breaker prongs 19 trap and chop the nuts between a V-crotch in the plate 17. The chopped nuts fall through the bars 18 into the jar 5.

Amended claim 16 of the present application is directed to a lid for a bowl of a food processor for processing a relatively large size or a large volume of foodstuff and recites, *inter alia*, as follows:

a top lid wall;

a feed tube extending from the top lid wall along a feed axis, the feed tube including a continuous inner feed surface that defines a feed cavity; and

a moveable gate positioned within the feed cavity, the movable gate being pivotable about a hub on a swivel axis, the swivel axis being generally parallel to the feed axis.

Applicants respectfully submit that even if the cheese grater of Berarducci was modified by one having ordinary skill in the art in view of the nut chopper of Sundstrand the combined device would not include each and every element of amended claim 16 of the present application. Specifically, Applicants respectfully submit that no combination of Berarducci in view of Sundstrand would include a feed tube extending from a top lid wall of a lid along a feed axis and a moveable gate pivotable about a swivel axis that is generally parallel to the feed axis. Neither Berarducci nor Sundstrand disclose such a feature and it would not be obvious for one having ordinary skill in the art to modify Berarducci in view of Sundstrand to include such a feature. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 16 based upon unpatentability over Berarducci in view of Sundstrand.

Claims 20-22 are dependent upon amended claim 16. Based upon the above-presented arguments, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claims 20-22 based at least upon their dependence upon claim 16.

Allowable Subject Matter

The Examiner indicated that claims 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully thank the Examiner for the indication that claims 17-19 include allowable subject matter.

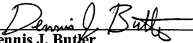
Claims 17-19 are dependent upon amended claim 16 and, as was described above, the Examiner has indicated that amended claim 16 is allowable over the currently pending rejections of the final Office Action.

CONCLUSION

In view of the foregoing Amendment and remarks, Applicants respectfully submit that the present application, including amended claims 16-25, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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